

REMARKS

The Examiner has rejected claim 11 as being anticipated by Marotta 5,600,889. Because Marotta fails to satisfy the structure of claim 11, Applicants respectfully disagree. Particularly, Marotta does not provide a cutting edge extending downwardly and outwardly from a support platform. It should be apparent from a review of Fig. 6 of Marotta '889 that the support legs 30 support the blade 12 above the pizza such that the blade 12 is the support platform. It is this support platform 12 that has the cutting edge 20 such that this cutting edge in Marotta does not extend downwardly and outwardly from the support platform but, rather, is part of and extends parallel to the support platform.

Claim 11 is also rejected as being anticipated by Beck 4,877,609. Because Beck fails to satisfy the structure of claim 11, Applicants must again disagree. Particularly, Beck does not show a cutting edge extending downwardly and outwardly from a support platform. In Beck, the support platform is the handle portion 40. An extension 60 raises handle portion 40 off of a ground surface upon which a server portion 50 rests. Thus, the server portion 50, which has the cutting edge 52, extends outwardly from the support leg and does not extend downwardly and outwardly from the support platform, as claimed, and as would be understood from a plain reading of the pending patent specification and claims. The advantages in the configuration claimed should be readily apparent inasmuch as structures such as those shown in Beck (and Fulton '367, discussed below) must insert the server portion of the lid support underneath a portion of the pizza in order to make it stand. Applicants have not claimed a device that would be covered by lid supports having cutting edges that extend from the bottom of a support leg, as shown in Beck, and reconsideration is respectfully requested.

Notably, claim 12, newly added, further distinguishes over Beck and Fulton.

Claims 4 and 5 have been rejected as being anticipated by Montesi 3,877,143. Applicants again respectfully disagree. Montesi, like Beck, does not show a lid support having a cutting edge extending downwardly and outwardly from a support platform toward a support

surface. The cutting edge in Montesi extends from a support leg, not the support platform portion. The arguments with respect to Beck apply with respect to Montesi.

Claims 4 and 5 are rejected as being anticipated by Fulton 1,612,367. Applicants again must respectfully disagree. There is no teaching in Fulton that the pie lifter therein, as shown in Fig. 1 and relied upon by the Examiner, would be free standing such that the at least one leg cited by the Examiner (the middle leg 15) would help to support the support platform cited by the Examiner (portion 12, 16) above a support surface. Particularly, the only way in which it would appear possible for leg 15 to support support platform 16 above a support surface would be if base portion 14 were made heavy enough to compensate for the off center weight of elements 15, 16 and 17. This is nowhere taught in Fulton, and the Examiner cannot now read such a teaching into that patent in order to reject the presently pending claims. The average lay person is familiar with devices such as Fulton's pie lifter and it is well known that they do not rest as the Examiner contends, i.e., with their base lifter portion (14) lying flat on a ground surface and holding the remainder of the device above that surface to act as a support surface. Additionally, the outer legs 15 in Fulton are not cutting edges, and the Examiner is improperly reading such an interpretation into Fulton. Elements 15 are simply extensions that are supposed to mimic the slope of a pie tin in order to place platform 16 on the upper edge of the pie tin. They are not intended to cut anything, and, indeed would never be intended to cut anything inasmuch as, when the extension of element 14 is considered, it would certainly make for a strangely shaped cut. It should be quite clear that the Examiner has been way too generous with the reading of Fulton in claim 4. It is well known that, if any portion of a pie lifter such as that shown in Fulton were to be used as a cutting edge, it would be the edges of element 14, not the edges of the extensions on the outer portion of element 15. With this proper understanding of the Fulton device, it should be readily apparent that a cutting edge in Fulton extends from a support leg, just as in Beck and Montesi.

Claim 6 has been rejected as being unpatentable over Montesi in view of Steck 6,694,619. Claim 6 depends from allowable base claim 4, and thus, this rejection is moot.

Additionally, it is not seen how there would be any motivation to put a hole in the handle of Montesi inasmuch as that handle is already a grasping member satisfying the function that the hole is to provide in the present lid support.

Claims 7-9 have been rejected as being unpatentable over Fulton in view of Montesi. For the reasons provided above, neither Fulton nor Montesi satisfy the limitations of the base claim 4, and, thus, the obviousness rejections cannot stand. Indeed, Montesi actually supports the argument earlier presented that the extensions 15 in Fulton would not be considered a cutting edge. In Montesi, the serrated edge is on the base spatula portion of the implement, because it is this portion of the implement that is actually used to cut through items. This is well known to the average lay person. The extension from the handle to the spatula portion is simply that, an extension, allowing one to use the tool to lift an item, once cut, out of a pastry pan. Indeed, the extension is specifically shaped to mimic the sloped edge of the pan. In employing Fulton, the Examiner has simply used hindsight reconstruction and conclusory statements in an attempt to reject the claims, without any detailed thought or explanation as to why there would be a motivation or suggestion to make the changes posited by the Examiner.

The Examiner has indicated that Claim 10 includes allowable subject matter, but, for the reasons provided above, Applicants feel they are entitled to broader protection, and have chosen to leave claim 10 in dependent form.

In light of the foregoing arguments, Applicants respectfully request that a Notice of Allowance issue for all pending claims. Should the Examiner wish to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

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